

TITLE 2: PUBLIC MORALS, SAFETY AND WELFARE
DIVISION 7: POLICE REGULATIONS AND PUBLIC PROTECTION
Chapter 6: ELM LEAF BEETLE.

Sections:

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27.061 Purpose.

(a) The Board of Supervisors finds that there exists a large number of elm trees in that area north and east of the San Bernardino Mountains generally known as the desert area in the unincorporated part of the County. That these are shade trees, and are an important constituent of the factors of property value in that area, and greatly contribute to the quiet enjoyment of land.

(b) The Board further finds that the elm tree population is threatened every spring and summer with destruction or serious damage and loss from the elm leaf beetle, an insect which comes into unusually high numbers of epidemic proportion during said seasons of the year.

(c) That unless concerted action is taken to combat the elm leaf beetle in the spring of each year, the entire area will be threatened with a loss of economic value and a lessening of comfort and enjoyment in the use of land.

Adopted Ordinance 1556 (1970);

27.062 Spraying.

(a) All elm trees in that area north and east of the San Bernardino Mountains generally known as the desert area in the unincorporated part of the County shall be sprayed with an insecticide material such as Sevin or a similarly effective chemical approved by the Agricultural Commissioner of San Bernardino County hereinafter described as the "Commissioner."

(b) The spraying hereof shall take place at a date no later than the twentieth day of June each year. Documentary proof that spraying of all elm trees on each parcel has been accomplished shall be submitted to the Commissioner by the party having possession or control of each parcel containing any such trees, and shall be submitted on or before the above date each year. The proof may include, but not be limited to, a declaration under penalty of perjury that such spraying has been accomplished.

(c) In all cases where no such documentary proof has been submitted to the Commissioner as stated supra, the Commissioner shall accomplish such spraying on each such particular parcel at a date within a reasonable time after the above date but in no event later than three (3) months from said date. In those cases where the Commissioner accomplishes the spraying, the cost of all such spraying shall be borne by the County or San Bernardino and not by the person in possession or control of the parcel; only trees infested or likely to be infested shall be sprayed.

Adopted Ordinance 1556 (1970);

27.063 Publication; Decision as to Whether Nuisance Exists.

(a) The ordinance codified in this chapter shall be published twice in a period of two (2) weeks, all prior to the twentieth day of May, 1971, in the San Bernardino Sun, a newspaper of general circulation, in the infested area with the names of the members of the Board of Supervisors voting for and against the same.

(b) Should the Commissioner be prevented by the individual in control or possession of the property from accomplishing such spraying, the allowing of the existence of this pest would be a public nuisance and the Commissioner may then proceed under Title 3, Division 7, Chapter 1 (beginning with Section 37.011), of the San Bernardino County Code to abate such a nuisance.

(c) The Commissioner shall, in the spring of each year prior to the operation of the provisions of this section, make a determination whether or not the elm leaf beetle is in fact a nuisance as described above, in that particular year. In the event the Commissioner finds that no such nuisance exists for that year, he shall so report to this Board of Supervisors and no spraying as described in this chapter, shall be required for that year.

Adopted Ordinance 1556 (1970);